

In re: Conkling et al.
Serial No.: 09/941,042
Filed: August 28, 2001
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IN THE CLAIMS:

1. (Currently Amended) An isolated nucleic acid ~~selected from the group consisting of:~~ comprising (a) the isolated nucleic acid sequence of SEQ ID NO: 1 or an active fragment thereof, wherein said fragment is at least 200 consecutive nucleotides in length; and (b) a nucleic acid sequence which is at least 95% identical to the nucleic acid sequence of (a) operably linked to a *Nic* gene product.

2-3 (Canceled).

4. (Previously Presented) The isolated nucleic acid according to claim 1, wherein said nucleic acid is DNA.

5. (Currently Amended) ~~The isolated nucleic acid according to claim 1, further comprising a~~ A recombinant nucleic acid construct comprising the isolated nucleic acid of Claim 1, wherein said recombinant nucleic acid construct does not contain a *NQPT1* coding sequence.

6. (Previously Presented) The recombinant nucleic acid construct according to claim 5, wherein said recombinant nucleic acid construct is linear.

7. (Previously Presented) The recombinant nucleic acid construct according to claim 5, wherein said recombinant nucleic acid construct is circular.

8. (Currently Amended) A microparticle coated with the isolated nucleic acid construct according to claim 4 5, wherein said ~~microparticle~~ microparticle is suitable for transformation of a plant cell.

9. (Previously Presented) The recombinant nucleic acid construct according to claim 5, wherein said recombinant nucleic acid construct is an *Agrobacterium* vector.

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IN THE TITLE:

**NUCLEIC ACIDS AND METHODS FOR PRODUCING TRANSGENIC
PLANTS CONTAINING MOLECULAR DECOYS**

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